

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY, and
RYAN W. PAYNE,

Defendants.

2:16-cr-46-GMN-PAL-1-4

DATE: November 7, 2017

Courtroom 7C

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Kathy Eismann

COUNSEL FOR PLAINTIFF: Steven Myhre, Nadia Ahmed and Daniel Schiess with FBI Agents Joel Willis, Sharon Gavin and Mike Abercrombie

COUNSEL FOR DEFENDANT: Bret Whipple with Legal Assistant Tatum Wehr, Maysoun Fletcher (Standby Counsel), Daniel Hill, Jay Morgan Philpot, Brenda Weksler and Ryan Norwood

MINUTES OF PROCEEDINGS: Jury Trial (Day 5)

8:50 a.m. The Court convenes outside the presence of the prospective jurors. The Court questions Mr. Cliven Bundy and Mr. Ammon Bundy regarding their choice to wear prison clothing during trial, unlike Mr. Ryan Bundy and Mr. Ryan Payne whom are dressed in professional attire. Defendants Mr. Cliven Bundy and Mr. Ammon Bundy indicate their clothing today was their choice. The Court admonishes the parties regarding courtroom demeanor. Mr. Whipple requests his paralegal Tatum Wehr be available in the courtroom. The Court will allow Ms. Wehr to remain in the well. Mr. Whipple also requests that the Court consider his letter regarding his availability on Monday, November 13, 2017. The Government does not object to being dark that afternoon. The Court will be in session from 8:30 a.m. – 12:00 p.m. on Monday, November 13, 2017. Mr. Whipple requests the ability to include arguments regarding the live feed information elicited from the Evidentiary Hearing held on Friday, November 3, 2017. The parties make arguments. The Court orders that the Government shall have until 12:00 p.m. on Friday, November 10, 2017, to file a response to Ryan Payne's Motion to Dismiss (ECF No. 2727). Any reply will be due by 12:00 p.m. on Sunday, November 12, 2017. The Court sets the Hearing on the Motion to Dismiss (ECF No. 2727) for Monday, November 13th, 2017, at 8:30 a.m. Jury Trial is continued to Tuesday, November 14, 2017, at 8:30 a.m. The Court will hold a hearing on Wednesday, November 8, 2017 at 1:00 p.m. on Cliven Bundy's Motion to Dismiss for Discovery Misconduct (ECF No. 2828).

10:07 a.m. The Court and parties speak to Juror 29 outside the presence of the other jurors. The Juror states that he will only be paid for fifteen days by his employer but states he has rearranged his work schedule to make the court's schedule work with his employment schedule. The Juror requests November 16

10:14 a.m. The jury enters the courtroom. The Court informs the jury that trial will begin on Tuesday, November 14, 2017, at 8:30 a.m.

10:18 a.m. The jury is admonished and excused for the day.

10:19 a.m. The Court and parties reiterate the pending deadlines. Mr. Whipple moves the Court to reopen detention as to the defendants. The Court will take this matter under submission and will require a report from the Pretrial Services Office. The Court denies the motion at this time but sets this request for hearing on Thursday, November 9, 2017, at 9:30 a.m. in Courtroom 7C.

10:35 a.m. The Court stands at recess.

Jury Trial continued to Tuesday, November 14, 2017, at 8:30 a.m. in Courtroom 7C before Chief Judge Gloria M. Navarro.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: /S/
Aaron Blazeovich, Deputy Clerk